

E-FILED on 10/09/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

REHAN SHEIKH,

Plaintiff,

v.

CISCO SYSTEMS, INC., and DOES 1-20

Defendants.

No. C-07-00262 RMW


ORDER REQUESTING ADDITIONAL
BRIEFING ON UNCONSCIONABILITY

[Re Docket No. 45]

The court is concerned that the governing arbitration agreement may be procedurally and substantively unconscionable. The court requests that Mr. Sheikh submit an opposing brief concerning the issue of unconscionability by October 17, 2008, and that Cisco file a reply by October 27, 2008. The briefs shall not exceed fifteen pages of argument. Mr. Sheikh is cautioned that no papers filed after the above deadline, in excess of the stated page limit, or concerning issues other than unconscionability, will be accepted. Furthermore, Cisco should file its reply brief whether Mr. Sheikh chooses to submit an opposition or not.

1 The court is hesitant to request additional briefing given Mr. Sheikh's failure to meet filing
2 deadlines in the past. But because neither side has been heard on the unconscionability issue, the
3 court finds additional briefing appropriate.

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6 DATED: 10/09/08


RONALD M. WHYTE
United States District Judge

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United States District Court
For the Northern District of California

1 Notice of this document has been electronically sent to:

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7 Counsel are responsible for distributing copies of this document to co-counsel that have not
8 registered for e-filing under the court's CM/ECF program.

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10 **Dated:** 10/09/08

/s/ JAS

Chambers of Judge Whyte